

## **REMARKS**

Reconsideration of the above-identified application in light of the foregoing amendments and following remarks is respectfully requested.

### **Claim Status**

Claims 1-6, 10, 13-25 and 28-40 are pending in the application. By this Amendment, claims 1-6, 10, 13-25 and 28-40 are canceled without prejudice or disclaimer. New claims 41-48 are added. No new matter has been added.

### **Claim Rejections**

Claims 1-6, 10, 13, 15-25, 28-35 and 37-40 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Inoue (United State Patent Number 5,710,954). Claims 14 and 36 have been rejected under 35 USC §103 as allegedly being unpatentable over Inoue in view of Haruki et al. (United State Patent Number 5,555,022)

Claims 1-6, 10, 13-25 and 28-40 are herein canceled, rendering the rejections as to these claims moot.

### **New Claims 41-48**

Applicant has added new claims 41-48, including independent claims 41 and 45. New claims 41-48 are believed allowable for at least the following reasons.

Neither Inoue (U.S. Patent No. 5,710,954) nor Haroki et al. (U.S. Patent No. 5,555,022) discloses “An image capture apparatus which comprises a switch adapted to instruct the image capture apparatus to start to capture image to be recorded on a recording unit, and a control unit adapted to control a recording process of recording an image captured after the switch is operated, wherein the control unit controls the recording process using a first value indicating an exposure of an image captured before the switch is operated and a second value indicating an exposure of an image captured after the switch is operated” as recited in claim 41.

Further, neither Inoue (U.S. Patent No. 5,710,954) nor Haruki et al. (U.S. Patent No. 5,555,022) discloses “An image capture apparatus which comprises a switch adapted to instruct the image capture apparatus to start to capture image to be recorded on a recording unit, and a control unit adapted to control a recording process of recording an image captured after the switch is operated, wherein the control unit controls the recording process using a first value indicating a white balance of an image captured before the switch is operated and a second value indicating a white balance of an image captured after the switch is operated” as recited in claim 45.

Accordingly, Applicants believe independent claims 41 and 45 are not taught or suggested in Inoue taken alone or in combination with the other art of record including Haruki et al., and are thus neither anticipated nor rendered obvious by the references of record.

As claims 42-44 and 46-48 each dependent upon either independent claim 41 or 45, Applicants respectfully submit that these dependent claims are also allowable for at least the same reasons as the independent claims from which they depend.

### **CONCLUSION**

In view of the foregoing, Applicant submits that claim 41-48 as herein presented are allowable over the prior art of record, taken alone or in combination. Applicant further submits that the application is hereby placed in condition for allowance which action is earnestly solicited.

### **AUTHORIZATION**

The petitioned extension of time is believed sufficient and no fees are believed necessary for the filing of this paper. However, should an additional extension of time be required to render this filing timely, such is hereby petitioned and the Commissioner is hereby

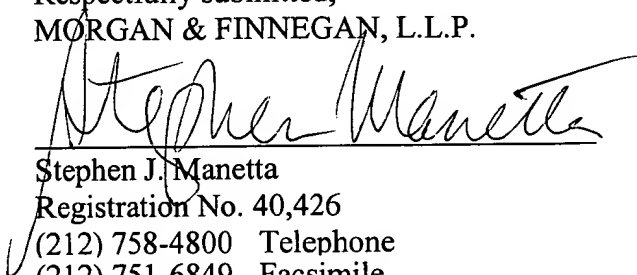
authorized to charge any additional fees which may be required for the timely consideration of this Amendment, or credit any overpayment to Deposit Account No. , Order No. 1232-4605.

In the event that a telephone conference would facilitate prosecution of the instant application, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: August 25, 2004

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